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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,245	02/12/2002	Rakesh Mathur	9D-HR-19761	5065

7590

05/18/2006

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,245

Applicant(s)

MATHUR

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-18, 20, and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 9-11 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the eighth office action for U.S. Application 10/074,245 for a Spill Proof Shelf Assembly Method and Structure filed by Rakesh Mathur et al. on February 12, 2002. Claims 1, 3-6, 9-18, 20, and 21 are pending

Claim Rejections - 35 USC § 103

Claims 1, 3-6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falk in view of Kolbe et al. Falk discloses a plurality of side supports (22) configured to support a shelf whereby each side support comprises a ledge comprising a clearance portion (see the attached sheet showing fig. 4... the parts labeled 1 and 2 form a ledge) with a horizontal aperture extending through the ledge (there is a horizontal aperture formed between 1, 2, and 3 that extends through the ledge). The horizontal aperture has an aperture width less than a ledge width (due to the thickness of the walls). There is a plurality of support members (36) configured to rigidly connect the side supports and a plurality of gussets (the lower portion of groove 44 that extends inward) extending inwardly from each of the side supports. A gusset tab (45) extends upwardly from each gusset and is configured to contact a portion of the shelf blocking forward movement, while being aligned substantially vertically below the horizontal aperture of the clearance portion. The shelf has an integral forward stop tab (51) that extends laterally outward from the shelf and the gussets and gusset tabs are integral. The clearance portion has a width that provides a clearance for the forward tab and there is a rear tab (at 49). The shelf is assembled by providing a shelf; providing at

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least one side support; and slidably coupling the shelf to the side supports. The shelf is assembled by providing a shelf, providing at least one side support, and slidably coupling the shelf to the side supports.

Falk does not disclose a rear portion with a width greater than a width of the forward portion. Kolbe et al. discloses a system for limiting outward movement of a slide-out shelf. There is a plurality of side supports (23 and 24) with ledges (28 and the portion under it) that have a clearance portion, configured to support the shelf and there are support members (26) configured to rigidly connect the side members. The shelf is configured extends outward in a first direction and retracts inward in a second direction opposite the first direction. The ledge of the shelf appears to be wider at the rear portion the front portion (see fig. 2), flaring outward at two locations. Each ledge also has clearance portions (formed throughout the side support under the ledge 28) for supporting the shelf. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized side supports shaped like the supports taught by Kolbe et al., on the invention taught by Falk, for the purpose of providing additional stability in the rear of the support. The method steps claimed in claims 9-11 are inherently disclosed by Falk in view of Kolbe et al.

Allowable Subject Matter

Claims 12-18, 20, and 21 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a shelf with a first side and forward and rear tabs extending respective first and second distances from the

first side, whereby the first distance is less than the second distance, and a first shelf side support with a laterally projecting ledge for sliding engagement with the shelf, whereby the ledge has a rear portion sufficient for retaining the rear tab, a forward portion with a second width less than the width of the rear portion and providing a clearance for the rear and forward tab, and whereby the clearance has a third width providing a clearance for the forward tab, wherein the side support has a plurality of support members rigidly connecting the first shelf side support to a second shelf side support and configured to contact the forward tab when the shelf is in a first extended position.

Response to Arguments

Applicant's arguments filed February 14, 2006 have been fully considered but they are not persuasive.

Applicant argues that Falk does not describe a gusset tab aligned substantially vertically below a horizontal aperture of the clearance portion, but describes a groove extending along the side support. The groove is a "horizontal aperture" and the gusset tab is substantially vertically below it. The (aperture (or groove) has a width than that of the ledge width because the width of the ledge goes from outer wall to outer wall, while the width of the aperture is between the inner walls.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

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USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

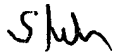
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Steven M. Marsh

May 13, 2006



ANITA KING
PRIMARY EXAMINER